UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY PARTNERS, COUNTRY MUSIC. TELEVISION, INC., PARAMOUNT PICTURES CORPORATION, and BLACK ENTERTAINMENT TELEVISION, LLC,	)	
Plaintiffs,	)	
vs.	)	NO. 07-CV-2103
YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.,	)	
Defendants.	)	
THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, BOURNE CO., et al., on behalf of themselves and all others similarly situated,	)	
Plaintiffs,	)	
vs.	)	NO. 07-CV-3582
YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.,	)	
Defendants.	)	

VIDEOTAPED DEPOSITION OF BHANU NARASIMHAN
SAN FRANCISCO, CALIFORNIA
FRIDAY, SEPTEMBER 18, 2009

JOB NO. 17700

SEPTEMBER 18, 2009

9:32 a.m.

VIDEOTAPED DEPOSITION OF BHANU NARASIMHAN, Shearman & Sterling, 525 Market street, San Francisco, California pursuant to notice, and before me, ANDREA M. IGNACIO HOWARD, CLR, RPR, CRR, CSR License No. 9830.

A P P E A R A N C E S:

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A P P E A R A N C E S (Continued.)

ALSO PRESENT: Adam Barea, Google, Inc.

Michael Mack, Videographer.

---oOo---

09:34:01 me know that you need to finish your answer.

09:34:04 If you don't understand any of the questions

09:34:07 that I ask, please let me know, and I'll try to

09:34:10 clarify them; okay?

09:34:11 A Okay.

09:34:11 Q If you need a break, just ask, and we'll take

09:34:16 a break. I just ask that you answer any pending

09:34:20 questions before we take a break; is that okay?

09:34:23 A That's okay.

09:34:26 Q Great.

09:34:27 Who is your current employer, Ms. Narasimhan?

09:34:30 A Google.

09:34:30 Q When did you first begin to work for Google?

09:34:32 A In May of 2005.

09:34:35 Q And what was your job when you first started

09:34:37 working at Google?

09:34:38 A I was a manager in the online sales and

09:34:41 operations group.

09:34:42 Q Was there a time after that when you began

09:34:46 working on a project called Google Video?

09:34:53 A Yes.

09:34:53 Q When was that?

09:34:53 A It was approximately October 2005.

09:34:55 Q What is Google Video?

09:34:59 A Google Video is a platform to organize the
09:35:02 world's video.
09:35:04 Q And what was your job responsibility when you
09:35:07 first started working at Google Video?
09:35:09 A I managed a small team of sales and
09:35:13 operations representatives.
09:35:15 Q Did someone else hold that position before
09:35:18 you did?
09:35:19 A Yes.
09:35:19 Q Who was that person?
09:35:22 A Tim Maly.
09:35:24 Q And why did you replace Mr. Maly?
09:35:26 A He moved on to another role.
09:35:28 Q When did the Google Video site first launch?
09:35:34 A I don't know.
09:35:35 Q Had it launched before you first took a job
09:35:41 working with Google Video?
09:35:43 A I believe so.
09:35:44 Q During the time you worked for Google Video,
09:35:59 did you have any other jobs besides the operations you
09:36:02 mentioned before?
09:36:04 A I had two other jobs in operations at the
09:36:07 same time when I first started Google Video.
09:36:09 Q What were those jobs?

09:36:10 A One was online sales and operations manager
09:36:13 for AdWords approvals, and the other was online sales
09:36:20 and operations manager for the training team within
09:36:22 the online sales operations group.
09:36:25 Q In your capacity as sales and operations
09:36:33 manager for AdWords approval, what were your
09:36:36 responsibilities?
09:36:37 A I managed a group of people that would review
09:36:43 AdWords ads.
09:36:48 Q How many people were you managing in that
09:36:50 capacity?
09:36:53 A Directly, three. Indirectly, it varied.
09:37:01 Q And when you say "review AdWords ads," can
09:37:08 you describe in more detail what that review would
09:37:11 involve?
09:37:16 A We had what is known as an approval bin. The
09:37:20 AdWords ads would come into the approval bin, and the
09:37:25 reviewers would look at it and compare it to -- and
09:37:30 test it essentially for policy violations, a number of
09:37:33 different policy violations which we had documented,
09:37:36 and either approve it, reject it, or approve it with
09:37:40 certain restrictions.
09:37:41 Q In your capacity as a manager in video
09:37:54 operations, what were your job responsibilities?

09:37:58 A I managed a team of people that would review
09:38:02 videos and also answer customers' e-mails.
09:38:07 Q I want --
09:38:11 A And also -- sorry -- and also respond to DMC
09:38:16 requests.
09:38:17 Q So I want to follow-up on what you said about
09:38:19 the reviewing videos.
09:38:23 Users could upload content to the Google
09:38:29 Video site; is that right?
09:38:30 A Yes.
09:38:30 Q And if that content was approved by Google
09:38:33 Video, it would become available for the public to
09:38:35 view through Google Video; correct?
09:38:37 MR. MANCINI: Objection to form.
09:38:42 Do you understand the question?
09:38:43 THE WITNESS: No.
09:38:44 MR. MANCINI: Can you restate the question?
09:38:45 MR. COX: Q. When a user uploaded content to
09:38:49 the Google Video site, that content might become
09:38:52 available for the public to view through the Google
09:38:55 Video site; correct?
09:38:56 MR. MANCINI: Objection; form.
09:39:00 Do you understand that question?
09:39:01 THE WITNESS: I'm not sure what --

NARASIMHAN, B.

MR. MANCINI: Can -- Counsel, can you just perhaps break down the question?

MR. COX: Let me ask a different question.

Q When a user uploaded a video to the Google Video site, what would happen next?

MR. MANCINI: Objection to form.

You can answer if you understand it.

THE WITNESS: Okay.

When a user uploaded a video to the Google Video site, it would go through a series of technical steps and then it would come to the video approval bin essentially, video review queue. And post review, it would go through some more technical steps, and then it would be made available on the Google Video site.

MR. COX: Q. The first thing you mentioned there was a series of technical steps occurring before a video would go to the video review queue.

A Yes.

Q Could you describe what those technical steps were?

A You have to ask an engineer.

Q Do you know what -- sort of what functions those technical steps served to form?

MR. MANCINI: Objection to form.

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09:40:29 Do you understand that question?

09:40:32 THE WITNESS: Yes.

09:40:32 The one function that I know of is taking thumbnails of the video to be able to show it to us in the video review bin.

09:40:47 MR. COX: Q. What is a thumbnail?

09:40:49 A It's a little screen shot. It's like a freeze frame if you paused a video.

09:40:55 Q How were the thumbnails of a video selected?

09:41:05 MR. MANCINI: Objection to form; lacks foundation.

09:41:13 THE WITNESS: You'd have to ask an engineer.

09:41:14 MR. COX: Q. How many thumbnails were created for each video?

09:41:24 A I'd approximate a screen full that size with them about this much, so you can count.

09:41:34 Q So sort of in the vicinity of 20?

09:41:37 A More than that.

09:41:38 Q The next step you mentioned in the process was the video review queue. What is the video review queue?

09:41:48 A It was a tool that we had that my team used to review videos.

09:42:00 Q When you say "review videos," did Google

09:42:06 Video, as a matter of policy, review videos at upload?

09:42:12 MR. MANCINI: Objection; lacks foundation;

09:42:14 and objection to form.

09:42:18 Do you understand that question?

09:42:21 THE WITNESS: Yes, I think so.

09:42:22 MR. MANCINI: Okay.

09:42:23 THE WITNESS: Can you just repeat the

09:42:24 question, and then I'll try and answer it.

09:42:26 MR. COX: Can you read it back, please,

09:42:28 Andrea.

09:42:36 (Whereupon, record read by the Reporter as

09:42:36 follows:

09:42:00 "Question: When you say "review videos," did

09:42:05 Google Video, as a matter of policy, review

09:42:08 videos at upload?")

09:42:37 MR. MANCINI: Same objections.

09:42:38 THE WITNESS: We reviewed them after upload,

09:42:48 after these technical steps.

09:42:50 MR. COX: Q. Did a Google Video employee

09:42:56 review videos before the video would be made available

09:43:00 to the public?

09:43:02 MR. MANCINI: Objection to form.

09:43:05 THE WITNESS: Yes.

09:43:10 MR. COX: Q. Was that true at all times, or

09:43:23 do you know if any -- I'm sorry. Let me -- let me
09:43:26 strike that.
09:43:27 Do you know of any time when Google Video did
09:43:31 not review videos before they became available to the
09:43:34 public?
09:43:36 MR. MANCINI: Objection to form.
09:43:38 THE WITNESS: Yes.
09:43:38 MR. COX: Q. When did the practice change?
09:43:46 MR. MANCINI: Objection to form.
09:43:47 THE WITNESS: Can you please specify what
09:43:51 changed?
09:43:52 MR. COX: Q. At what point did Google Video
09:43:57 stop -- oh, let's back up.
09:44:02 When you first began working for Google
09:44:07 Video, did Google Video review videos before they
09:44:10 became available to the public?
09:44:11 MR. MANCINI: Objection to form.
09:44:12 THE WITNESS: Yes.
09:44:12 MR. COX: Q. At any point while you were
09:44:13 working for Google Video, did Google Video stop
09:44:16 reviewing videos before they became available to the
09:44:19 public?
09:44:20 MR. MANCINI: Objection to form.
09:44:21 THE WITNESS: Yes, yes.

09:44:22 MR. COX: Q. At what point did Google Video
09:44:24 stop reviewing videos before they became available to
09:44:26 the public?
09:44:27 MR. MANCINI: Objection to form.
09:44:33 THE WITNESS: We stopped reviewing some
09:44:40 videos before they became available approximately
09:44:44 September of 2006.
09:44:46 MR. COX: I want to go back to the series of
09:44:58 steps that you outlined before about what would happen
09:45:02 to a video after it was uploaded.
09:45:04 You said there are technical steps, then it
09:45:07 would go to the video review queue, and then there
09:45:10 were more technical steps.
09:45:11 Q Do you know what any of the more technical
09:45:13 steps were?
09:45:13 MR. MANCINI: Objection to the
09:45:14 characterization of the prior testimony; and
09:45:22 objection, asked and answered.
09:45:23 THE WITNESS: I can tell you generally, but
09:45:33 you'd have to ask an engineer for more specifics.
09:45:35 There were transcoding steps.
09:45:37 MR. COX: Q. What does transcoding mean?
09:45:40 A As far as I understand, it means making a
09:45:44 video available in different formats.

10:24:29 THE WITNESS: I don't remember -- remember
10:24:34 informing anyone in particular.
10:24:36 MR. COX: Q. Did you view the number of
10:24:43 complaints you were receiving as a problem for your
10:24:47 review team?
10:24:48 MR. MANCINI: Objection to form.
10:24:49 THE WITNESS: No.
10:25:05 MR. COX: Q. Did you believe that the
10:25:06 policies your review team was applying should be
10:25:12 changed in order to reduce the number of complaints?
10:25:28 A No, we would never -- I -- we never believed
10:25:32 that we should change the policy, but we did believe
10:25:37 we could implement that policy in a more effective
10:25:40 manner.
10:25:44 Q What do you mean by "implement that policy in
10:25:47 a more effective manner"?
10:25:56 A So when we were reviewing videos, we had a
10:26:00 number of different things we were looking for,
10:26:02 including porn, violence, hate. Hate is not as easy
10:26:06 to tell, and potential or suspected copyright
10:26:13 infringement.
10:26:15 It was fairly easy to tell on porn and
10:26:21 violence. When you see thumbnails, you can -- you can
10:26:24 see pretty clearly body parts or -- or other screen

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10:28:14 recognize, we were very inefficient in our reviews to
10:28:23 find this content. A very, very, very small fraction
10:28:27 of the videos that we actually reviewed contained this
10:28:29 content, and we believed that in order to be more
10:28:32 efficient and equally effective, that we could rely on
10:28:35 the community to let us know when they found videos
10:28:39 that had bad content.
10:28:42 On other areas of policy, like in some cases
10:28:50 hate speech, in potential or suspected copyright
10:28:55 infringement, we found that we were making mistakes
10:28:59 quite often in either direction, and that we would be
10:29:04 more effective not trying to make a judgment when we
10:29:08 had imperfect information and, instead, relying on
10:29:12 DMCA availability and making that DMCA capability more
10:29:18 available to our partners and make it easier for them
10:29:24 to provide the DMCAs to us.
10:29:28 So in both cases, it would have been more
10:29:32 efficient and more effective not to review the videos
10:29:37 before they went live.
10:29:41 Q When did you first decide that with respect
10:29:46 to copyright you were making mistakes quite often?
10:29:53 A I don't remember when we first decided that.
10:29:57 Q Roughly, did you come to that conclusion,
10:30:01 let's say, before September 2006?

10:30:06 A Yes.

10:30:06 Q Before March 2006?

10:30:10 A That, I don't remember.

10:30:16 Q When you came to that conclusion, did you tell anyone?

10:30:25 A I'm sure we discussed it, but I don't recall any specific conversations I had.

10:30:33 Q Do you know whom you discussed it with?

10:30:35 A It would have been other members of the team.

10:30:37 Q Did anyone at -- in your team communicate that to someone higher up at Google?

10:30:51 A Define "higher up."

10:30:55 Q To anyone with the authority to change the policy of reviewing videos for potential copyright infringement after upload.

10:31:11 MR. MANCINI: Objection to form; and objection, lacks foundation.

10:31:13 THE WITNESS: I'm not sure I understand that question, to be honest.

10:31:25 MR. COX: Q. Did you inform anyone at Google who could have done something to change what was going on about the problems you were discussing before regarding copyright?

10:31:38 MR. MANCINI: Objection to form; and

10:31:39 objection, lacks foundation.

10:31:54 Do you understand the question?

10:31:55 THE WITNESS: I still don't, and I still

10:31:56 don't know how to answer it, to be honest.

10:31:59 MR. MANCINI: I don't understand it either.

10:32:09 MR. COX: Q. You testified before that your

10:32:22 team was making mistakes in either direction with

10:32:26 respect to identifying videos as infringing copyright;

10:32:29 is that correct?

10:32:29 A As potentially infringing copyright, correct.

10:32:38 Q Did you believe that your team was making

10:32:40 those mistakes as a result of something about what it

10:32:45 was being asked to do in reviewing videos for

10:32:48 potential copyright infringement?

10:32:50 MR. MANCINI: Objection to form; and

10:32:53 objection, lacks foundation.

10:32:55 THE WITNESS: I don't understand that.

10:32:58 MR. COX: Q. Did you believe that the reason

10:33:00 your team was making those mistakes -- or why did you

10:33:04 believe your team was making those mistakes?

10:33:07 MR. MANCINI: Objection; asked and answered.

10:33:08 THE WITNESS: Because we honestly did not

10:33:14 know who was authorized to upload that video, and any

10:33:22 particular reviewer is not going to be familiar with

10:33:25 and have knowledge of all the videos in the world and
10:33:29 who owns them.
10:33:35 MR. COX: Q. Did you believe that your team
10:33:57 should not be asked to identify potential copyright
10:34:01 infringement in the video review queue?
10:34:08 MR. MANCINI: Objection to form; lacks
10:34:10 foundation.
10:34:12 THE WITNESS: I believe I just said that
10:34:20 there were problems with what we were doing.
10:34:24 MR. COX: Q. And my question is, based on
10:34:26 those problems, did you believe that the instructions
10:34:29 to your team should change?
10:34:33 MR. MANCINI: Same objections, and asked and
10:34:37 answered.
10:34:37 THE WITNESS: Could you rephrase or ask a
10:34:55 different question?
10:34:56 MR. COX: I think that question is fairly
10:34:59 clear.
10:35:00 Q My question is, did you believe that the
10:35:01 instructions to your team about how to review for
10:35:05 potential copyright infringement should change?
10:35:08 MR. MANCINI: Objection to form, and she
10:35:10 already answered that question just a few lines ago.
10:35:17 MR. COX: Q. I do not remember the answer,

10:35:18 so could you indulge me and answer it again, if you
10:35:23 did already answer it.
10:35:25 MR. MANCINI: We can read it back.
10:35:27 THE WITNESS: Please.
10:35:40 MR. MANCINI: When you asked that question,
10:35:41 the witness said at line 20, page 40, "I believe I
10:35:45 just said that there were problems with what we were
10:35:48 doing."
10:35:48 Asked and answered.
10:35:49 MR. COX: I don't think that's an answer to
10:35:51 the question.
10:35:51 Q The question is, did you think what you were
10:35:53 doing should change as a result of those problems?
10:35:55 MR. MANCINI: No. Counselor, you're asking
10:35:57 for a subjective determination. The witness answered
10:36:00 it the way she's comfortable answering it. If you
10:36:02 don't like the answer, doesn't mean you get to ask it
10:36:05 again.
10:36:10 MR. COX: John, I simply disagree that that's
10:36:16 an answer to the question.
10:36:17 MR. MANCINI: It's her answer to the
10:36:18 question. You can ask it again. She's going to
10:36:21 answer it the same way.
10:36:28 MR. COX: Q. Did you form a belief as to

10:36:35 whether the instructions to your team about reviewing
10:36:38 videos for potential copyright infringement should
10:36:41 change?
10:36:42 MR. MANCINI: Objection to form; asked and
10:36:43 answered.
10:36:44 THE WITNESS: I believed that what we were
10:36:52 doing had lots of problems.
10:36:58 MR. COX: Q. Did you inform anyone who had
10:37:01 the authority to change what you were doing about that
10:37:05 belief?
10:37:09 MR. MANCINI: Objection to form.
10:37:11 THE WITNESS: I just don't know how to answer
10:37:21 that.
10:37:25 MR. COX: Q. Did you tell anyone --
10:37:27 A There isn't a -- there isn't -- sorry --
10:37:28 there isn't a linear, you know, like I tell someone.
10:37:31 I tell my boss, or my boss's boss and someone is going
10:37:34 to make it. It just didn't work like that.
10:37:36 Q Okay.
10:37:36 A So I just don't know how to answer your
10:37:38 question.
10:37:39 Q Did you tell anyone else at Google besides
10:37:41 the members of your team?
10:37:44 MR. MANCINI: Objection; asked and answered.

10:37:46 THE WITNESS: Yes; we would have had
10:37:47 discussions across the Google Video team.
10:37:53 MR. COX: Q. When you say "across the Google
10:37:56 Video team," whom is that referring to?
10:38:00 A It would be referring to the product
10:38:02 managers, the engineers, the partners, sales folks,
10:38:07 potentially. The legal counsel for sure, and any
10:38:13 number of people that were involved with Google Video.
10:38:19 And you have to remember, some of these
10:38:21 complaints came from other people on the Google Video
10:38:22 team, so they already knew this issue.
10:38:28 Q Did you -- your team ever put together a
10:38:34 document reflecting your views on this issue?
10:38:38 MR. MANCINI: Objection; lacks foundation.
10:38:39 Objection to form.
10:38:40 THE WITNESS: I don't remember.
10:38:41 MR. COX: Q. Did you ever see a document
10:38:53 stating that review of videos for a potential
10:39:02 copyright infringement is causing problems?
10:39:08 MR. MANCINI: Objection to form.
10:39:11 THE WITNESS: I don't remember.
10:39:20 MR. MANCINI: Do you think it's a good time
10:39:22 for a break?
10:39:23 MR. COX: Fine with me, if you'd like it.

10:39:25 MR. MANCINI: Okay.

10:39:26 THE VIDEOGRAPHER: Off the record.

10:39:30 The time on the screen is 10:39.

10:39:33 (Recess taken.)

10:53:38 THE VIDEOGRAPHER: We're now back on the record.

10:53:40

10:53:41 The time on the screen is 10:53.

10:53:46 MR. COX: Q. In the document we were looking at before we went on break, in the third sub-bullet that we were looking at before, it says "If the video does not meet our editorial standards, disapprove the video."

10:53:51

10:53:56

10:54:01

10:54:05

10:54:05 What do you mean by "editorial standards"?

10:54:10 MR. MANCINI: This is Exhibit 2?

10:54:12 MR. COX: This is Exhibit 2.

10:54:17 MR. MANCINI: Objection to form and lacks foundation.

10:54:26

10:54:26 Do you know what this document meant? Is that what you're asking?

10:54:28

10:54:32 THE WITNESS: Are you asking about this particular line?

10:54:33

10:54:34 MR. COX: Q. I'm asking what -- what does "editorial standards" mean? What is your understanding of what "editorial standards" means in

10:54:36

10:54:39

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10:54:41 this context?

10:54:42 MR. MANCINI: Objection to form.

10:54:43 Are you asking her for her understanding?

10:54:45 MR. COX: I'm asking her for --

10:54:47 Q What is your understanding of what "editorial

10:54:49 standards" means in this document?

10:54:51 MR. MANCINI: Okay. Objection to form.

10:54:56 THE WITNESS: It means conformance to the

10:54:58 list of policies we had.

10:54:59 MR. COX: Q. What are those policies?

10:55:03 MR. MANCINI: Objection; asked and answered.

10:55:08 THE WITNESS: Our policies included a number

10:55:10 of areas like porn, violence, hate speech, obscenity,

10:55:16 potential copyright infringement, et cetera.

10:55:19 MR. COX: I'm going to give you a document

10:55:24 that will be marked as Exhibit 3 to your deposition.

10:55:35 (Document marked Narasimhan Exhibit 3

10:55:50 for identification.)

10:55:50 MR. COX: Q. This document is Bates No.

10:55:51 G001-03114019. That's an e-mail from Ms. Narasimhan

10:55:59 with the subject line "Disapproval reasons for review

10:56:03 and takedown tool."

10:56:31 A Okay.

10:56:31 Q Do you recognize this document?

10:56:33 A I don't, but I see it.

10:56:37 Q Do you have any reason to believe this is not an e-mail that you sent?

10:56:38

10:56:39 A No, I don't.

10:56:40 Q Is the list contained in this document a list of the reasons why a video might violate your editorial standards?

10:56:45

10:56:55

10:56:56 MR. MANCINI: Objection to form, and objection to the characterization of the document. The document speaks for itself.

10:56:59

10:57:00

10:57:07 THE WITNESS: This is a list of disapproval reasons.

10:57:10

10:57:13 MR. COX: Q. Are disapproval -- is there a difference between disapproval reasons and reasons why a video might violate your editorial -- Google Video's editorial standards?

10:57:16

10:57:27

10:57:27

10:57:42 A There shouldn't be.

10:57:53 Q The second item in the list is "Copyright: Music Video."

10:57:57

10:57:59 What does that mean?

10:58:01 A It means potential copyright infringement. It looks to be a music video.

10:58:06

10:58:10 Q So reviewers were instructed to disapprove videos for potential copyright infringement if they

10:58:16

10:58:18 appeared to be using videos?

10:58:21 A Yes.

10:58:21 Q Was the same true for TV and film, the next two items in the list?

10:58:32

10:58:34 A Yes.

10:58:35 Q Besides the items on this list, were there any other reasons for a reviewer to disapprove a video?

10:58:42

10:58:49

10:58:49 MR. MANCINI: Objection; lacks foundation. Objection to form.

10:58:51

10:58:59 THE WITNESS: These were the disapproval reasons that I asked for in the new tool.

10:59:05

10:59:09 MR. COX: Q. Do you know of any other disapproval reasons that existed at any time while you were responsible for operations at Google Video?

10:59:12

10:59:15

10:59:19 A I don't recall, but I believe if I had known of a reason, it would have been on this list.

10:59:21

10:59:28 Q Were reviewers provided with any criteria to determine whether a particular video fell into one of these disapproval categories?

10:59:31

10:59:34

10:59:41 MR. MANCINI: Objection to form.

10:59:42 THE WITNESS: Yes.

10:59:42 MR. COX: Q. What were those criteria?

10:59:50 MR. MANCINI: Objection to form.

11:07:36 told her there's no point. I said to you there's no
11:07:37 point.
11:07:37 She already said she lacks knowledge in this
11:07:40 area. You're asking her to pursue a line of
11:07:42 questioning about something that she lacks knowledge
11:07:45 of, and now asking her to speculate about a line of
11:07:48 questions that she lacks knowledge of.
11:07:48 MR. COX: And I'm telling you that it's
11:07:51 improper to do anything more than objecting to the
11:07:52 question.
11:07:52 MR. MANCINI: I'm -- I am telling you we're
11:07:53 all wasting time if we're asking her to speculate
11:07:57 about areas which she has -- not only to speculate,
11:08:00 but about an area for which she has no knowledge, and
11:08:00 she just so testified to that.
11:08:05 But if you want to persist, I just think
11:08:06 we're just wasting time.
11:08:08 MR. COX: You're entitled to that belief.
11:08:10 MR. MANCINI: Okay.
11:08:27 MR. COX: Q. What percentage of videos were
11:08:32 disapproved in the review queue?
11:08:42 A It varied week to week.
11:08:44 Q Approximately?
11:08:46 A Ten, 15.

11:08:48 Q What percentage of those disapprovals were
11:08:53 based on potential copyright infringement?
11:08:56 A Very high. 80, 90 percent.
11:09:01 Q Did Google Video ever receive any third-party
11:09:14 requests to remove videos?
11:09:16 A Yes.
11:09:19 Q Did Google Video respond to those requests?
11:09:22 A Yes.
11:09:22 Q What did Google Video do in response to those
11:09:27 requests?
11:09:35 A We received DMCA requests from content owners
11:09:39 asking us -- swearing that they own certain videos and
11:09:43 asking us to take them down, which we did. And we
11:09:47 would receive e-mails from concerned citizens that
11:09:53 would bring to our attention videos containing porn,
11:09:58 hate speech, or other forms of improper content that
11:10:02 we would also review and, based on our policies, take
11:10:07 down.
11:10:20 Q I'm going to give you a document that I think
11:10:22 will be Exhibit 4 to your deposition.
11:10:24 (Document marked Narasimhan Exhibit 4
11:10:37 for identification.)
11:10:37 MR. COX: This document is -- begins with the
11:10:39 Bates No. GOO001-00794737. It's an e-mail from

11:23:48 A Yes.

11:23:48 Q Could you have also decided to keep statistics on the number of videos that were approved after initially being disapproved?

11:24:07 MR. MANCINI: Objection; calls for speculation; lacks foundation.

11:24:10 THE WITNESS: I don't know.

11:24:33 MR. COX: Q. Did you ever consider keeping statistics about the number of videos that were approved after initially being disapproved?

11:24:42 MR. MANCINI: Same objections.

11:24:43 THE WITNESS: Not that I recall.

11:24:45 MR. COX: Q. Do you believe that such statistics would have been relevant to the question of whether -- strike that.

11:25:20 Do you believe that such statistics would have been relevant to the question of whether removals for copyright infringement were often mistakes?

11:25:33 MR. MANCINI: Objection to form; objection calls for speculation; objection, lacks foundation; and objection, calls for a legal conclusion.

11:25:44 THE WITNESS: I don't want to speculate.

11:25:46 MR. COX: Q. You testified earlier that you formed a belief that many removals for copyright

11:25:54 infringement were mistakes; is that correct?

11:25:58 MR. MANCINI: Objection; mischaracterizes

11:26:00 prior testimony.

11:26:25 Actually, let me restate that objection.

11:26:29 Withdraw mischaracterization, and just say objection;

11:26:33 the prior testimony speaks for itself. It's -- it's a

11:26:36 question of precision.

11:26:44 THE WITNESS: You need me to repeat what I

11:26:48 said before or --

11:26:49 MR. COX: Please.

11:26:50 THE WITNESS: Okay. So I believe that the

11:26:58 removals that we made for potential copy -- copyright

11:27:01 infringement we later found to be mistakes because

11:27:06 people complained about them.

11:27:18 MR. COX: Q. Would statistics about the

11:27:21 number of videos that were initially disapproved and

11:27:27 then approved had been relevant to determining the

11:27:31 accuracy of that belief?

11:27:32 MR. MANCINI: Objection; lacks foundation and

11:27:34 calls for speculation.

11:27:41 THE WITNESS: I don't know. Maybe.

11:27:46 MR. COX: Q. Can you think of any reason why

11:27:48 it would not have helped you to know how many

11:27:52 instances of disapprovals to approvals there were?

11:27:57 MR. MANCINI: Again, objection; lacks
11:28:00 foundation and now calls for the witness to speculate
11:28:02 on a fact that has not been established in this
11:28:06 deposition and is, from what we can tell, purely a
11:28:12 hypothetical.
11:28:34 THE WITNESS: Yeah, I would be speculating.
11:28:43 MR. COX: Q. When there were complaints
11:28:45 about the disapproval of a video for copyright
11:28:58 reasons, would you then revoke the disapproval and
11:29:02 approve the video?
11:29:04 MR. MANCINI: Objection to form.
11:29:22 THE WITNESS: I don't recall specifics, but
11:29:24 it would have varied based on the request. I'm
11:29:29 guessing.
11:29:30 MR. COX: Q. In what instances would you not
11:29:33 have approved a video?
11:29:35 A I don't recall.
11:29:35 Q Is there a situation in which a content
11:29:43 owner -- in which a video was rejected for copyright
11:29:49 reasons, the owner of rights to the video informs you
11:29:56 that they do own those rights, and which you would not
11:30:03 then have approved the video?
11:30:05 MR. MANCINI: Objection to form.
11:30:07 THE WITNESS: So if the owner of a video was

11:30:09 able to establish to us that they owned the video,
11:30:17 then I don't see why we would not have reinstated it.
11:30:21 MR. COX: Q. Did your team keep track of how
11:30:28 many such reinstatements occurred?
11:30:31 A No.
11:30:31 Q Are you aware of any effort by anyone to
11:30:40 quantify the number of videos removed for copyright
11:30:43 that were later found to be mistakes?
11:30:47 MR. MANCINI: Objection to form and calls for
11:30:49 speculation.
11:30:49 THE WITNESS: I'm not aware.
11:30:56 MR. COX: Q. Would it have been possible for
11:30:58 someone at Google Video to quantify the number of
11:31:04 videos removed for copyright that were later found to
11:31:08 be mistakes without working with your team?
11:31:10 MR. MANCINI: Objection to form; and
11:31:13 objection, lacks foundation.
11:31:14 THE WITNESS: No.
11:31:14 MR. COX: Q. Was your team ever involved in
11:31:28 an effort to quantify the number of videos removed for
11:31:31 copyright that were later found to be mistakes?
11:31:34 A No.
11:31:34 MR. MANCINI: Objection to form.
11:31:45 MR. COX: I think we're going to tape --

14:51:15 Q At this time of January 16, 2007, what was
14:51:18 your position at Google?
14:51:22 A I think at this date I was still the online
14:51:24 sales and operations manager for Google Video.
14:51:27 Q And at some point after this, your -- your
14:51:30 title changed?
14:51:31 A Yes.
14:51:31 Q And what did it change to?
14:51:33 A Product manager.
14:51:36 Q And what was the specific area of product
14:51:38 that you were the product manager of?
14:51:40 A So I started a team called the Common Abuse
14:51:43 Tools Team.
14:51:50 Q And what was the -- what were your duties
14:51:53 with respect to the title or, I'm sorry, with respect
14:51:56 to the team called The Common Abuse Tools Team?
14:52:05 A So what I did, and again to be clear, there
14:52:09 isn't a list of duties that are listed out for people,
14:52:12 what I did was get this team off the ground, worked
14:52:15 with some engineers to find staffing for this team,
14:52:22 define what the products were that this team was going
14:52:26 to build, and then over time build those products and
14:52:29 got other systems to implement those products.
14:52:33 Q And what were the products that you built in

14:58:40 Q Have you had any job responsibilities at
14:58:45 Google with respect to AdWords?
14:58:48 A Yes.
14:58:48 Q And at what time? Can you just give me a
14:58:53 time frame of when -- when you became involved in any
14:58:56 way with AdWords?
14:58:58 A So when I first joined Google, which is in
14:59:01 2005, May, I was responsible for a team of reviewers
14:59:07 that would review ads against Google -- Google's
14:59:13 policies.
14:59:16 Some time in 2006, I don't remember exactly
14:59:22 when, that team was dis -- the team in the U.S. was
14:59:26 dissolved and the responsibilities moved over to
14:59:28 India, at which point I stopped my involvement with ad
14:59:32 approvals. AdWords and ad approvals stopped.
14:59:36 And then last year, so this is in 2008, July,
14:59:41 I transitioned from being a product manager on the
14:59:43 Common Abuse Tools Team to being a product manager on
14:59:47 AdWords, the AdWords front end.
14:59:50 Q Okay. So during the period of time between
14:59:54 May 2005 when you were responsible for a team of
14:59:56 reviewers that would review ads against Google's
14:59:59 policies up until the time that you stopped performing
15:00:04 those duties, do you recall Google's policies with